



INTERIOR BOARD OF INDIAN APPEALS

Lorraine Taggart v. Acting Sacramento Area Director, Bureau of Indian Affairs

21 IBIA 20 (10/21/1991)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
4015 WILSON BOULEVARD
ARLINGTON, VA 22203

LORRAINE TAGGART,
Appellant

v.

ACTING SACRAMENTO AREA DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
:
:
:
: Docket No. IBIA 91-57-A
:
:
: October 21, 1991

Appellant Lorraine Taggart seeks review of a January 30, 1991, decision of the Acting Sacramento Area Director, Bureau of Indian Affairs (BIA; Area Director), denying her request for certification of Indian preference for a Federal Government job. Appellant states that she is descended from Yurok, Hupa, and Wintun Indians, and has qualified for the settlement roll under P.L. 100-580, the Hoopa-Yurok Settlement Act. She argues that she is therefore entitled to Indian preference.

The Area Director denied appellant's request for a certificate of Indian preference because the Settlement Act provided for an election by each person listed on the roll as to whether the individual wished to become a member of the tribe or receive a one-time payment of \$15,000. The Area Director indicated that, until the elections had been completed, no one could be certified for Indian preference.

By order dated May 15, 1991, the Board of Indian Appeals stayed further consideration of this matter based upon a letter received from the Area Director. The Area Director stated at pages 1-2 of that letter:

[Appellant is] on the settlement roll * * * [but] BIA has not received an election from [appellant] as of this date.

The Sacramento Area Director BIA's now established policy is that Yurok Indians who are on the settlement roll and who have elected to be on the Yurok base roll will be provided certifications of eligibility for Indian preference upon receipt of request. * * * A stay of the Appeal of Lorraine Taggart will allow time for her to make her option [election] which will determine her right to the requested certification.

On October 15, 1991, the Board received a copy of appellant's settlement option election form. The form indicates that appellant elected to become a member of the Yurok Tribe. An accompanying September 9, 1991, memorandum from the Acting Superintendent, Northern California Agency, to the Area Director, states:

As requested, attached is a copy of the Settlement Option Election Form filed by [appellant] who has an appeal before the Board of Indian Appeals. [Appellant] filed the option form on May 13, 1991, and has not submitted a subsequent election. Also enclosed is a copy of Form BIA-4432, Verification of Indian Preference, which was issued to [appellant] by this Agency on June 7, 1991.

A copy of the Form BIA-4432 was also enclosed.

These materials indicate that appellant has been granted the relief she sought through this appeal.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, this appeal from the Acting Sacramento Area Director's January 30, 1991, decision is dismissed.

//original signed
Kathryn A. Lynn
Chief Administrative Judge

//original signed
Anita Vogt
Administrative Judge